

COHEN & GREEN

April 27, 2023

Hon. Ona T. Wang
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Case No. 22-cv-01445, Rodney v City of New York, et al.

Dear Judge Wang:

As the Court likely recalls, my firm, with co-counsel, represents Plaintiff in the case above. As directed by the Court (Dkt. No. 43), I write jointly with counsel for Defendants to provide a monthly status report.

On April 5, 2023, the parties met and conferred as contemplated by Dkt. No. 78. They reached impasses on the pending RFA issue where relevant, and Plaintiff served a collection of interrogatories and other requests aimed at getting around those objections of Defendants' that the parties believed may be surmountable. Responses to those requests are due on Friday, May 5, 2023. The parties anticipate resolving those disputes that remain at the conference currently scheduled for May 18. As noted in the previous letter, the parties are holding off on a number of discovery issues because litigating those issues will likely lead to disputes over what properly falls in phase 1 or phase 2 discovery — and that dispute will be moot once the motion to dismiss is decided.

As far as settlement is concerned, as noted in the four previous letters, the Court held a preliminary, confidential settlement discussion on November 3, and Plaintiff served a formal demand that evening. Nothing further has taken place, and the parties believe a further conference would be premature at this time.

Finally, as far as the motion to dismiss, the motion is fully briefed, and Plaintiff has requested oral argument (with a request to allow a law student — who will begin bar preparation soon, and has accepted an offer to work with our firm after that — to argue a major portion of the motion) as noted at Dkt. No. 65. Plaintiff has also filed a motion to supplement the record on the motion to dismiss, as Defendants' admissions have removed one of Defendants' major factual contentions on the motion from dispute. Dkt. No. 69. That motion is unopposed.

As always, we thank the Court for its time and consideration.

Respectfully submitted,

/s/



J. Remy Green

Honorific/Pronouns: Mx., they/their/them

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cc:

All relevant parties by electronic filing.